



Licensure Bulletin

Summer 2006

NEW HAMPSHIRE

BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS



AN OVERVIEW OF THE BOARD'S DISCIPLINARY PROCESS

By Katherine Cooper, Assistant Attorney General

In recent months, several public disciplinary matters have led to questions about how the Board handles complaints against licensees and how disciplinary matters are resolved. This article explains the disciplinary process used by the Board when it receives a complaint. Complaints vary greatly in their content and the Board investigates topics as wide ranging as substance abuse, poor record keeping, negligent practice, unprofessional behavior, and technical incompetence.

The Board is created by state statute, RSA 310-A, which includes the authority to investigate licensees and impose discipline when appropriate. In addition, the Board enacts administrative rules and standards of conduct that all licensees must abide by.

When a complaint comes in to the Board, the Board must review the complaint on its merits and make a preliminary determination whether or not, assuming all the information alleged is true, the complaint implicates a statute, rule or standard of conduct. Some complaints are dismissed at this early stage because the complainant, while unhappy about something, has not made an allegation that could possibly result in disciplinary action.

What happens more often is the Board will find that a complaint may implicate a statute, rule or ethical principle, so the complaint is referred for investigation. Even complaints that licensees feel are somewhat ridiculous are put through the same investigative process as complaints that address serious misconduct. Usually, one member of the Board will be recused from the matter at this point in order to conduct the investigation and/or act as an expert advisor. In many cases, the Administrative Prosecution Unit of the Office of the Attorney General is asked to assist with the investigation.

The investigator(s) gather and review information relevant to the allegations. The investigatory process includes reviewing records, interviewing witnesses and sometimes conducting independent

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BOARD MEMBERS

Marc W. Morin, P.E.
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William H. Smagula, P.E.
Member, Bedford

Lee F. Carroll, P.E.
Secretary, Gorham

Robert A. Cruess, P.E.
Member, Amherst

Carmela Amato-Wierda, Ph. D.
*Vice-Chairperson,
Public Member, Durham*

BOARD STAFF

Louise Lavertu
Executive Director

Donna Lobdell
Administrative Assistant

Julie Levesque
Sr. Accounting Technician

Karen Gray
License Clerk

Cynthia Blanchette
Secretary II

BOARD OFFICE

**57 Regional Drive
Concord, New Hampshire 03301
603-271-2219**

Fax - (603-271-6990)

**www.state.nh.us/jtboard/home.htm
llavertu@nhsa.state.nh.us**

*Featured on front cover:
White Horse Ledge, N. Conway, NH
Lupine Festival, Sugar Hill, NH
Albany Bridge over Swift River*

**WHAT EXACTLY
IS THE NH
“JOINT BOARD?”**

By Louise Lavertu, Executive Director

If you have ever called our office with a licensing or renewal question the first thing you hear is not voice mail but a member of the Joint Board staff greeting the public with “*Good morning, New Hampshire Joint Board.*” At that point a lot of callers say “*I must have the wrong number?*” and proceed to explain that they are calling about engineering or surveying or any number of issues covered by the Boards under the Joint Board umbrella. The Joint Board office consists of five staff members that administer the licensing/certification programs of seven separate licensing Boards. The seven separate Boards share one administration; therefore the greeting you hear when calling the office must be generic in nature. There really is no “Joint Board” other than the administrative office. The seven Boards under the Joint Board are completely separate from each other, meet at different dates and times and consist of 40 individual Board members. Board members do not work at the Board office and are only in the Board office for meetings.

The New Hampshire Joint Board is a unique umbrella licensing organization created legislatively in 1981 that currently consists of seven component licensing/certification Boards. The seven component Boards have approximately 15,000 licensed/certified individuals and businesses which includes Professional Engineers, Architects, Land Surveyors, Natural Scientists, Professional Geologists, Foresters and the most recent addition of the Board of Landscape Architects effective July 1, 2006.

The mission and purpose of the New Hampshire Joint Board is to safeguard the public health, safety, welfare, and environment of the citizens of the State of New Hampshire by establishing and maintaining a high standard of integrity, skills and practice in the professions licensed or certified under the Joint Board umbrella. The Boards qualify, examine and license or certify individuals and businesses, establish and enforce administrative rules and statutes and provide information so that the public may make informed decisions.

Within the seven separate Boards are more than a dozen different license/certification categories. Because of the diversity of the professions a different staff member of the Joint Board is assigned to each Board and must become an “expert” in the procedures for licensing/certification of the profession they are assigned to. When you call or write the Joint Board office please be aware that we are a uniquely structured organization in NH State Government. Next time we greet your call with “*Good morning, New Hampshire Joint Board*” please note that the staff of the NH Joint Board strives to provide our licensees and the general public with the very best service available!

Continued from page 1

research into the topic at issue. Sometimes, the Board may hire an outside expert to evaluate the case. The findings from the investigation are then summarized in a document called the Report of Investigation (ROI). The results of the investigation are confidential and remain so unless and until a formal hearing is held in the matter.

After the investigation is completed, a determination is made whether or not the case appears to warrant discipline. If it does appear to warrant discipline, the licensee is contacted and a Settlement Agreement will be proposed by the Prosecutor. A proposed Settlement Agreement sets out the facts and law that constitute the misconduct as well as the sanctions to be imposed against the licensee. If the licensee is in agreement with the proposal the Settlement Agreement will be signed and submitted to the Board for approval. If the licensee does not wish to settle the case, or if the Board rejects the Settlement Agreement, the case may proceed to an adjudicatory hearing. If the Board wishes to hold a hearing, it will issue a charging document called a Notice of Hearing and will also provide the Report of Investigation to the licensee. A hearing is similar to a court trial in that evidence is presented, witnesses testify under oath and cross-examination may be employed by the parties. One major difference from a court trial is that the New Hampshire Rules of Evidence do not apply. The Board will hear all the evidence from the prosecutor and the licensee and make factual findings based on a preponderance of the evidence standard. This is a lower standard than “beyond a reasonable doubt,” which is used in criminal cases. If the prosecutor proves the facts that are alleged, the Board may make a finding of professional misconduct against the licensee. The Board may also consider mitigating circumstances and choose to issue a Letter of Concern or dismiss the case. If the Prosecutor fails to prove the facts alleged, the case is dismissed.

One other option the Board has other than settlement, dismissal or a hearing is to issue a confidential Letter of Concern. Letters of Concern are also used in cases where a licensee may not have committed a violation, but has come very close to doing so. These letters are used to offer advice or warnings to licensees without imposing public discipline upon them. A Letter of Concern is confidential and is not shared with outside parties, not even with the complainant.

It is important to recognize that throughout this process, the Board is the deciding body. Although the investigation is conducted by one Board member that Board member is not allowed to discuss the case with other members of the Board at any time. In addition, the prosecutor may not discuss the matter with the Board unless the licensee is aware of the communication.

In making its decisions about what kind of sanctions to impose against a licensee who has committed professional misconduct, the Board considers many factors and makes an individualized decision in each case. The individual’s level of experience, prior misconduct, harm done to the complainant, danger to the public and the licensee’s attitude about the conduct are some of the factors that are considered. The Board also takes into consideration the kind of disciplinary action that was taken against other licensees who committed similar misconduct in the past.

Katherine Cooper is an Assistant Attorney General with the Administrative Prosecutions Unit, Consumer Protection Bureau, New Hampshire Department of Justice.



DISCIPLINARY ACTIONS

Licensee: Richard Wozmak, Licensed Professional Engineer #7973 Auburn, New Hampshire. Discipline has been imposed upon the Professional Engineer license of the above named for violation of RSA 310-A:22, II (c), (g), and (i) and administrative rules Eng 501.03 (a), (3), (4), and (5) via settlement agreement. Accordingly, discipline has been imposed upon the Professional Engineer's license of the above named as follows: Mr. Wozmak is hereby **reprimanded**; his license to practice engineering is **suspended** for a period of three (3) months commencing February 16, 2006; he shall enroll in a 20 Hour course in Engineering Ethics and shall provide documentation of successful completion to the Board within one year; he shall pay an administrative fine to the Board in the amount of \$10,000 within 30 days; shall provide a copy of the settlement agreement to any employer within 10 days and licensing or credentialing agency for one year from the date of the agreement.

↔

Licensee: Alan G. Swan, Licensed Professional Engineer #5674, Auburn, New Hampshire. Discipline has been imposed upon the Professional Engineer license of the above named for violation of RSA 310-A:22, II (c), (g), and (i) and administrative rules Eng 501.03 (a), (3), (4), and (5) via settlement agreement. Accordingly, discipline has been imposed upon the Professional Engineer's license of the above named as follows: Mr. Swan is hereby **reprimanded**; his license to practice engineering is **suspended** for a period of six (6) months commencing April 14, 2006. Following the six-month suspension period, Mr. Swan shall hold a **probationary** license for a period of six months. He shall enroll in a 20 Hour course in Engineering Ethics and shall provide documentation of successful completion to the Board within one year; he is assessed an **administrative fine** to the Board in the amount of \$5,000.00. The fine shall be suspended for a period of one year provided that Mr. Swan commits no further crimes or violations of Board rules or standards of conduct; he shall provide a copy of the settlement agreement to any employer within 10 days and licensing or credentialing agency for one year from the date of the agreement.

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Respondent: Richard D. Cummings, Lapsed Licensed Professional Engineer #5188, Wilmington, Massachusetts.

Richard D. Cummings has entered into a Settlement Agreement with the New Hampshire Board of Professional Engineers commencing June 16, 2006 to resolve misconduct allegations. Accordingly, discipline has been imposed upon Richard D. Cummings as follows: Mr. Cummings is **reprimanded**; Mr. Cummings is assessed an administrative fine in the amount of **\$4,000**; Mr. Cummings is ordered to **destroy** his New Hampshire stamp; Mr. Cummings may **not re-apply** for a NH engineering license for at least six months; Mr. Cummings shall provide a copy of the settlement agreement within 10 days to any employer, licensing or credentialing agency that he is affiliated with for a continuing period of one year from the date of the agreement.

*Copies of Settlement Agreements, Consent Orders and Decision and Orders may be obtained by contacting the Board office.

NEW PROFESSIONAL ENGINEERS LICENSED BY EXAM

(October 2005 – April 2006)

The New Hampshire Board extends congratulations
to the following individuals:

| | | | | | |
|----------------------|-------|----|-----------------------|-------|-------|
| Joseph R. Blair | 11764 | NH | Thomas C. Burns | 11915 | NH |
| Cindy A. Castleberry | 11765 | MA | William E. Caron | 11916 | NH |
| Holly E. Clark | 11766 | NH | Brian R. Colburn | 11917 | NH |
| Erin M. Darrow | 11767 | NH | William T. Davis | 11918 | VT |
| Cornelia E. Demers | 11768 | MA | Julian C. Deleon | 11919 | FL |
| Martin J. Dugal | 11769 | MA | Jason A. deWildt | 11920 | ME |
| Benjamin M. Goss | 11770 | NH | Armand A. DuBois, III | 11921 | NH |
| Jamie Harned | 11771 | NH | Richard D. Faul, Jr. | 11922 | NH |
| John A. Harper, Jr. | 11772 | MA | Jeffrey A. Gaeta | 11923 | NH |
| Kevin P. Heaslip | 11773 | MA | Robert S. Goldkamp | 11924 | MA |
| Matthew W. Holland | 11774 | NH | Norman C. Gridley | 11925 | ME |
| Zaid A. Kahn | 11775 | GA | Erin P. Griffin | 11926 | MA |
| Matthew G. Maher | 11776 | NH | Patrick D. Healey | 11927 | NY |
| Christopher McQueen | 11777 | NH | Timothy C. Higginson | 11928 | NH |
| Jeffrey D. Merritt | 11778 | NH | Steven R. Houle | 11929 | NH |
| Allison M. Rees | 11779 | NH | Hyunwook Jung | 11930 | KOREA |
| Brian D. Rose | 11780 | MA | Susan M. Klasen | 11931 | NH |
| Paul A. Roy | 11781 | NH | Matthew D. Lampron | 11932 | NH |
| John D. Saladino | 11782 | VT | Stephen R. Langevin | 11933 | NH |
| Lori S. Siegel | 11783 | NH | David S. Libby | 11934 | CT |
| Kevin P. Stetson | 11784 | MA | Benjamin C. Lundsted | 11935 | NH |
| Erik W. Strand | 11785 | NH | Joshua B. MacCulloch | 11936 | NH |
| Corey P. Theriault | 11786 | NH | Denise L. Markow | 11937 | NH |
| Philip R. Trowbridge | 11787 | NH | Jennifer F. Porter | 11938 | NH |
| Christopher M. York | 11788 | MA | Karen L. Rantamaki | 11939 | NH |
| Jason T. Adams | 11907 | MA | Muazzez G. Reardon | 11940 | MA |
| Kate E. Adams | 11908 | NH | Jennifer W. Rzasa | 11941 | NH |
| Philip L. Beaulieu | 11909 | NH | Martin J. Schmid | 11942 | MA |
| Scott M. Bourcier | 11910 | ME | Hugh C. Scott, IV | 11943 | NH |
| Patrick L. Bower | 11911 | NH | Suzanne L. Sheppard | 11944 | NH |
| Michael L. Bramhall | 11912 | NH | Daniel J. Vigeant | 11945 | NH |
| John C. Buffett | 11913 | MD | Colleen L. Vignale | 11946 | NH |
| Rebecca A. Burnham | 11914 | NH | Sheng Yue | 11947 | NY |



Please be advised that your Engineering firm **must** be issued a Certificate of Authorization to Practice Professional Engineering from the Board office **before** registering with the Secretary of State's Corporate Division. An application for the Certificate of Authorization is available online at www.state.nh.us/jtboard/forms.htm and www.nhlicenses.com. Your firm **must** have a full-time NH licensed Professional Engineer on your staff to be issued a Certificate of Authorization. Your firms' request for a Certificate of Authorization will be processed within 1-2 business days of receipt.

**NH Professional Engineer's Board and Governor John H. Lynch Honor
University of New Hampshire, College of Engineering and Physical Sciences
Associate Dean, Dr. Robert M. Henry, Ph.D.**

The Board of Professional Engineers and Governor John H. Lynch honored Dr. Robert Henry, Ph. D., Associate Dean of the College of Engineering and Physical Sciences at the University of New Hampshire at the June 21st Governor and Executive Council meeting. The Board awarded Dr. Henry an honorary NH Professional Engineer's license and the Governor and Executive Council presented Dr. Henry with a commendation. Dr. Henry is instrumental in administering the Fundamentals of Engineering Exam biannually at the University of New Hampshire. Dr. Henry encourages students to participate in the fundamentals examination to challenge their knowledge of engineering and assists the Board with their yearly licensure presentation to students at the University. Additionally, Dr. Henry has provided the Board with valuable insight regarding engineering, education and licensure issues. There have only been four honorary PE licenses issued in the history of the Board. The Board is honored to present Dr. Henry with honorary PE license number four.



Pictured above from left to right:
Dr. Robert Henry, Dr. Henry's Mother, Anita
Smith, Executive Counselor Ruth Griffin,
Governor John Lynch

*State of New Hampshire
By His Excellency
John Lynch, Governor
A Commendation*

DR. ROBERT M. HENRY

WHEREAS, Dr. Robert M. Henry has brought a high standard of integrity, ethics and skills to academia and to the profession of engineering in New Hampshire; and

WHEREAS, Dr. Robert M. Henry brought his professional perspective on the importance of licensure to students; and

WHEREAS, Dr. Robert M. Henry has contributed great knowledge and insight to the Board of Professional Engineers and the profession of engineering; and

WHEREAS, Dr. Robert M. Henry is committed to the advancement of the profession of engineering in New Hampshire;

NOW, THEREFORE, I, JOHN H. LYNCH, Governor, and the **Executive Council** of the State of New Hampshire, do commend **Dr. Robert M. Henry** for his commitment to the profession of engineering and to the students of the University of New Hampshire.



Pictured above from left to right:
Board Member William Smagula, P.E., Nancy Henry,
Dr. Robert Henry, Anita Smith, Board Chairperson
Marc Morin, P.E., Public Member Dr. Carmela Amato-
Wierda, License Clerk Karen Gray, Executive Director
Louise Lavertu and Administrative Assistant Donna Lobdell

**Listed Below are the
Statistics from the
October 2005 and April 2006
Fundamentals of
Engineering
and Professional Practice
Examinations**



EXAMINATION STATISTICS

| Discipline | #Tested | | #Passed | %Passing |
|--------------------------------|---------|---------|---------|----------|
| Fundamentals | 92 | October | 44 | 48% |
| | 203 | April | 127 | 63% |
| Principles and Practice | | | | |
| Civil | 31 | October | 16 | 52% |
| | 46 | April | 32 | 70% |
| *CS | 2 | | 0 | 0% |
| | 0 | | 0 | 0% |
| Electrical | 2 | | 0 | 0% |
| | 3 | | 2 | 67% |
| Environmental | 4 | | 4 | 100% |
| | 3 | | 2 | 67% |
| Mechanical | 3 | | 3 | 100% |
| | 2 | | 2 | 100% |
| Structural | 7 | | 2 | 29% |
| | 5 | | 2 | 40% |
| **Arch | 0 | | 0 | 0% |
| | 1 | | 1 | 100% |

* Exam Discipline administered for the Fall exam administration only.

** Exam Discipline administered for the Spring exam administration only.

VERIFICATION OF LICENSURE/EXAM INSTRUCTIONS:

To avoid delay in processing a verification of licensure or examination please be aware of following:

- Obtain the verification of licensure or examination form directly from the State you are applying to and send it to the Joint Board office, 57 Regional Drive, Concord, NH 03301 with check made payable to "Treasurer, State of NH" for the \$15.00 verification fee
- If the State you are applying to is a State that sends the form directly to NH send the State you are applying to a check made payable to "Treasurer, State of NH" for the \$15.00 verification fee so that it can accompany the form they send on your behalf to NH.
- If the verification form is sent to the Board office without the required fee, we will send you a verification fee notice which **WILL** delay processing of the verification form. Telephone verifications between State Boards are not sufficient for verification purposes.
- Verifications that are complete, which includes the required fee, are processed within 24 hours of receipt.
- Please check with the State Board office you are applying to in order to verify which procedure they follow for verification **PRIOR** to proceeding with the verification process.

It is your responsibility to inform the board of any changes in your address
within 30 days per Administrative Rule Eng 501.02 (d)

CHANGE OF ADDRESS FORM

Name _____ License No. _____

RESIDENCE: _____

_____ Telephone: _____

BUSINESS: _____

Telephone: _____ E-Mail _____

Preferred MAILING Address:

Business _____ Residence _____ Effective Date _____

SIGNATURE: _____

Please mail form to: NH Joint Board, 57 Regional Dr, Concord, NH 03301

**New Hampshire Joint Board of Licensure
And Certification
57 Regional Drive
Concord, New Hampshire 03301-8518
8225**

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